



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5363

by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

720 ILCS 675/1

from Ch. 23, par. 2357

Amends the Sale of Tobacco to Minors Act. Provides that a minor under 18 years of age in the furtherance or facilitation of obtaining any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms shall not display or use a false or forged identification card or transfer, alter, or deface an identification card. Provides that tobacco products may be sold through a vending machine only if such tobacco products are not placed together with any non-tobacco product, other than matches, in the vending machine. Provides that the sale or distribution by any person of a tobacco product, including but not limited to a single or loose cigarette, that is not contained within a sealed container, pack, or package as provided by the manufacturer, which container, pack, or package bears the health warning required by federal law, is prohibited. Eliminates provisions that permit tobacco vending machines in: (1) factories, businesses, offices, private clubs, and other places not open to the general public; (2) places where alcoholic beverages are sold and consumed on the premises; and (3) places where the vending machine is under the direct supervision of the owner of the establishment or an employee over 18 years of age.

LRB095 17546 RLC 43620 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sale of Tobacco to Minors Act is amended by
5 changing Section 1 as follows:

6 (720 ILCS 675/1) (from Ch. 23, par. 2357)

7 Sec. 1. Prohibition on sale of tobacco to minors; use of
8 identification cards; vending machines; lunch wagons;
9 out-of-package sales.

10 (a) No minor under 18 years of age shall buy any cigar,
11 cigarette, smokeless tobacco or tobacco in any of its forms. No
12 person shall sell, buy for, distribute samples of or furnish
13 any cigar, cigarette, smokeless tobacco or tobacco in any of
14 its forms, to any minor under 18 years of age.

15 (a-5) No minor under 16 years of age may sell any cigar,
16 cigarette, smokeless tobacco, or tobacco in any of its forms at
17 a retail establishment selling tobacco products. This
18 subsection does not apply to a sales clerk in a family-owned
19 business which can prove that the sales clerk is in fact a son
20 or daughter of the owner.

21 (a-6) No minor under 18 years of age in the furtherance or
22 facilitation of obtaining any cigar, cigarette, smokeless
23 tobacco, or tobacco in any of its forms shall display or use a

1 false or forged identification card or transfer, alter, or
2 deface an identification card.

3 For the purpose of this Section, "smokeless tobacco" means
4 any tobacco products that are suitable for dipping or chewing.

5 (b) Tobacco products listed above may be sold through a
6 vending machine only if such tobacco products are not placed
7 together with any non-tobacco product, other than matches, in
8 the vending machine and the vending machine is in any of the
9 following locations:

10 (1) (Blank) Factories, businesses, offices, private
11 clubs, and other places not open to the general public.

12 (2) Places to which minors under 18 years of age are
13 not permitted access.

14 (3) (Blank) Places where alcoholic beverages are sold
15 and consumed on the premises.

16 (4) (Blank) Places where the vending machine is under
17 the direct supervision of the owner of the establishment or
18 an employee over 18 years of age. The sale of tobacco
19 products from a vending machine under direct supervision of
20 the owner or an employee of the establishment is considered
21 a sale of tobacco products by that person. As used in this
22 subdivision, "direct supervision" means that the owner or
23 employee has an unimpeded line of sight to the vending
24 machine.

25 (5) Places where the vending machine can only be
26 operated by the owner or an employee over age 18 either

1 directly or through a remote control device if the device
2 is inaccessible to all customers.

3 (c) The sale or distribution at no charge of cigarettes
4 from a lunch wagon engaging in any sales activity within 1,000
5 feet of any public or private elementary or secondary school
6 grounds is prohibited.

7 For the purpose of this Section, "lunch wagon" means a
8 mobile vehicle designed and constructed to transport food and
9 from which food is sold to the general public.

10 (d) The sale or distribution by any person of a tobacco
11 product listed above, including but not limited to a single or
12 loose cigarette, that is not contained within a sealed
13 container, pack, or package as provided by the manufacturer,
14 which container, pack, or package bears the health warning
15 required by federal law, is prohibited.

16 (Source: P.A. 93-284, eff. 1-1-04; 93-886, eff. 1-1-05.)